

Customer No.: 31561
Application No.: 10/604,613
Docket No.: 11039-US-PA

REMARKS

Present Status of the Application

Claims 1-19 remain pending, of which Claims 1-12 have been withdrawn, Claims 13 and 15-19 have been amended to more explicitly describe the claimed invention. Amendments to claims 13 and 15 are well supported by Figures 2E, 3E, 4 and 5, and paragraph [0041]. It is believed that no new matter adds by way of amendments to claims or otherwise to the application.

In the outstanding Office Action, the Examiner objected to the title of the invention for not being descriptive, and therefore a new title is required that is clearly indicative of the invention to which the claims are directed; and once again rejected claims 13-19 under 35 U.S.C. 102(a) as being anticipated by Lee et al. (US-2003/0042531, hereinafter Lee).

For at least the following reasons, Applicant respectfully submits that claims 13-19 are in proper condition for allowance. Reconsideration is respectfully requested.

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Discussion of the objection to Title of the Invention

The Office Action objected to the Title of the invention for not being descriptive, and therefore a new title is required that is clearly indicative of the invention to which the claims are directed.

In response thereto, Applicants have further amended the Title of the invention as above. Reconsideration is respectfully requested.

Discussion of the claim rejection under 35 USC 102

The Office Action rejected Claims 13-19 under 35 U.S.C. 102(a) as being anticipated by Lee et al. (US-2003/0042531, hereinafter Lee).

In rejecting the above claims, the Examiner stated that the Applicants argued in response to the previous Office Action that Lee substantially fails to teach or disclose a multi-level memory cell comprising at least a first control gate and a second control gate disposed respectively on sidewalls of the semiconductive strip. However, the Examiner pointed out that, in the previous attachment # 1, Fig. 6d of Lee, show "a first control gate 36A and a second control gate 36B" disposed respectively on sidewalls of the silicon tripe layer 26.

Applicants respectfully disagree and submit that though the original proposed independent claims 13 and 15 clearly recite two discrete control gates are respectively disposed on the sidewalls of the silicon (semiconductive) stripe, the proposed independent claims are being further amended to clearly recite "two discrete control gates respectively disposed on the sidewalls of the silicon (semiconductive) stripe" in

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order to explicitly describe the claimed invention. Applicants respectfully submit that as can be clearly seen in Fig. 6d of Lee (as well as the previous attachment # 1 of Fig. 6d of Lee provided by the Examiner, Lee substantially fails to teach or disclose a multi-level memory cell comprising at least [two discrete control gate disposed respectively on sidewalls of the semiconductive stripe] as required by the amended proposed independent claims 13 and 15, instead Lee substantially discloses, in FIG. 6d, page 3, paragraph [0094], that a control electrode (36) is formed on the silicon nitride film (40). In other words, Lee substantially discloses a single gate electrode (36) that extends over both sidewalls and top of fin active area (26).

Furthermore, the proposed independent claims 13 and 15 have been also amended to recite "two trapping layers, two first dielectric layers and two second dielectric layers, respectively disposed between the two discrete control gates and the sidewalls of the silicon (semiconductive) stripe. Applicants similarly submit that Lee also fails to teach or disclose the above elements recited by the amended proposed independent claims 13 and 15.

Thus, Lee fails to teach, disclose or suggest each and every feature of Claims 13 and 15, and therefore Lee cannot possibly anticipate Claims 13 and 15 in this regard.

Claims 14 and 16-19, which directly depend from independent Claims 13 and 15 are also patentable over Lee at least because of their dependency from an allowable base claim. Reconsideration is respectfully requested.

For at least the foregoing reasons, Applicant respectfully submits that claims 13-19 are in proper condition for allowance. Reconsideration is respectfully requested.

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CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 13-19 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,

Date :

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